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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,479	09/13/2001	Siegfried Schweidler	PD990014	6074

7590 09/13/2004
Joseph S Tripoli
Thomson Multimedia Licensing
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Princeton, NJ 08540

EXAMINER

LI, ZHUO H

ART UNIT PAPER NUMBER

2186

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,479

Applicant(s)

SCHWEIDLER ET AL.

Examiner

Zhuo H Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 June 2004.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some
 - * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed 6/1/2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers et al. (WO 98/47271A1 hereinafter Smyers) in view of Simms et al. (US PAT. 6,161,155 hereinafter Simms).

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Regarding claim 1, Smyers discloses a method for the management of isochronous data received via a data bus (58, figure 1) comprising the steps of receiving data transmitted in bus packets having a variable length, the data being pre-processing and manipulating before it is delivered so that section-by section transmission of the data source packet within the framework of data blocks being permitted (figure 5, page 3 line 20 through page 5 line 26, page 8 line 23 through page 11 line 15 and page 26 line 24 through page 27 line 2). Smyers differs from the claimed invention in not specifically teaching the data being divided into data block having a defined length, and carrying out a modulo-n counting of the data blocks in order to determine the data source packet boundaries and in that the beginning of a new data source packet is signaled to a memory management device at the beginning of the next count interval. However, Simms discloses a method for determining source packet boundaries by counting of data blocks having a defined length, in order to improve the system for preserving block data format information as block data is written into and read from a buffer memory of a receiving device (col. 3 line 45 through col. 4 line 11 and col. 5 line 57 through col. 6 line 12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Symers in having the data being divided into data block having a defined length, and modulo-n counting of the data blocks is carried out in order to determine the data source packet boundaries and in that the beginning of a new data source packet is signaled to a memory management device at the beginning of the next count interval, as per teaching of Simms, in order to improve the system for preserving block data format information as block data is written into and read from a buffer memory of a receiving device.

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Regarding claims 2-3, Simms discloses each bus packet being subjected to CRC checking and the checking result are buffer-stored in order to enable to ascertain where the data source packet transmitted in two or more bus packet has been transmitted without transmission errors, wherein a reference counter reading is transmitted in each bus packet in order to check the completeness of the transmitted data and the result of the comparison counting being compared with the reference counter reading when the data block associated with the reference counter reading is received (col. 5 line 38 through col. 6 line 12).

Regarding claim 4, Simms discloses the define number of n-of-data blocks of a data source packet corresponds to the number 8 and the modulo-n counting corresponding modulo-8 counting (col. 2 lines 44-53 and col. 4 lines 1-11).

Regarding claim 5, Simms teaches to carry out the method for the management of data including a memory unit, a memory management device with a modulo-n counter for counting received data block and outputting a data source packet start signal to the memory management device (col. 3 line 45 through col. 4 line 11).

Regarding claims 6-7, the limitations of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 8, Simms teaches to count data in particular in units of bytes and which outputs a data block counting signals if the number of data that have been counted are as many as are defined as belonging to a data block (col. 2 lines 44-53 and col. 4 lines 1-11).

Regarding claim 9, Smyers teaches to design the data bus according to the IEEE 1394 standard, which is part of a data link layer module in the interface for data bus (page 1 lines 13-28).

Response to Arguments

4. Applicant's arguments filed 6/1/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's arguments that nowhere does the combination of Smyers and Simms teach or suggest "carrying out a modulo-n counting of the data block in order to determine the data source packet boundaries and in that the beginning of a new data source packet is signaled to a memory management device at the beginning of the next counting interval", it is noted that Smyer discloses a method for the management of isochronous data received via a data bus (58, figure 1), receiving data transmitted in bus packets having a variable length (figure 5 and page 26 line 24 through page 27 line 2), the data being pre-processing and manipulating before it is delivered so that section-by section transmission of the data source packet within the framework of data blocks being permitted (page 3 line 20 through page 5 line 26, page 8 line 23 through page 11 line 15) and Simms teaches a counter (6, figure 1) for counting of the data blocks in order to determine the data source packet boundaries, and in that the beginning of a new data source packet is signaled to a memory management device at the beginning of the next counting interval (col. 3 line 45 through col. 4 line 11 and col. 5 line 57 through col. 6 line 12). Thus, one of ordinary skill in the art would recognize to combine Smyers with Simms for

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carrying out a modulo-n counting to find the source packet boundaries in the variable length bus packets in order to improve the system for preserving block data format information as block data is written into and read from a buffer memory of a receiving device (see rejection above). As a result, the combination of Smyers and Simms is enough to reject the claimed limitations.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a modulo-n counting is carried out in the receiving end) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-6606

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 703-305-3846. The examiner can normally be reached on Tuesday to Friday from 9:30 a.m. to 7:00 p.m. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Zhuo H. Li 

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